

of any sort by Examiner which would establish the desirability of going to the Daetz et al. reference. Examiner's argument is to state that "all the claimed subject matter" is found in the Foxworthy except for the use of Hall effect devices, and to note that the Daetz et al. reference teaches that Hall devices may be substituted for reed switches. This is not the sort of argument which is sufficient to make a prima facie case of obviousness, and must fail. In the absence of an adequate showing of proper nexus, there is no basis for Examiner's suggested combination of references, and the claims cannot be rejected based on the suggested combination of references. Claims 8, 9, and 16 are therefore patentable over the cited art for that reason alone.

Additionally, the Foxworthy and Daetz et al. references cannot be combined. The Foxworthy reference appears to rely on the hysteresis of a reed switch relative to its actuating magnetic field, as set forth at column 3, lines 10-14.


Applicants do not understand that Hall-effect devices and Giant Magneto-Resistive sensors have such hysteresis. In the absence of such hysteresis, it is not understood how the oscillation referred to in the Foxworthy reference can be achieved. Lack of hysteresis would appear to result in a non-oscillatory system. In the absence of some explanation of how oscillation could occur in the Foxworthy system using the Hall-effect or magnetoresistive sensors suggested by Daetz et al., they must be deemed to be incompatible or not susceptible of combination. Examiner's suggested combination of references fails for this reason alone.

Consequently, there are two distinct and different reasons why Examiner's suggested combination of references fails to render obvious the invention recited in claims 8, 9, and 16. Claims 8, 9, and 16 are therefore patentable over the cited art.

3. Examiner states that claim 17 would be allowable if placed in independent form including all the limitations of the base claim and any intervening claims. Claim 17 has been so amended, and should now be allowable.

4. Reconsideration and allowance of claims 8, 9, 16, and 17 are requested.

5. An appendix is attached which sets forth the claims in their amended



form.

6. The number of claims being unaffected by the amendment, no fee is believed to be due. Please charge any additional fees to Deposit Account 07-0882.

Respectfully submitted,

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June 20, 2001
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